

AMENDMENTS TO THE DRAWINGS

Please amend the drawings as follows. Please replace the drawing sheet containing FIG. 7 with the replacement drawing sheet attached hereto.

### REMARKS

Prior to entry of the instant amendment, claims 1, 3-10, 17, 19, 24, 28-40, 45, 50 and 53-68 are pending in the instant application, claims 7, 9, 30, 35, 37, and 50 having been rejoined. By the instant amendment, drawing FIG. 7 is amended, and claims 30 and 50 are cancelled.

Claims 1, 3-10, 17, 19, 24, 28, 29, 31-40, 45 and 53-68 are presented for further consideration on the merits. Claims 1 and 28 are independent.

#### A. Introduction

In the outstanding Office Action Made Final,

1. claims 7, 9, 30, 35, 37, and 50 were rejoined, and claims 1, 3-10, 17, 19, 24, 28, 29, 31-37, 38-40, 45 and 53-68 were indicated as being allowable;
2. drawing FIG. 7 was objected to under 35 U.S.C. § 132(a); and
3. claims 30 and 50 were rejected under 35 U.S.C. § 112, first paragraph (written description).

#### B. Rejoinder of Claims and Allowable Claims

Applicants appreciate the withdrawal of the restriction requirement and rejoinder of claims 7, 9, 30, 35, 37, and 50. As discussed below in Section D, claims 30 and 50 are cancelled by the instant amendment. Accordingly, applicants respectfully submit that all of the remaining claims, viz., claims 1, 3-10, 17, 19, 24, 28, 29, 31-37, 38-40, 45 and 53-68, are in condition for allowance, and a notice to that effect is respectfully requested.

#### C. Objection to the Drawings

In the outstanding Office Action Made Final, drawing FIG. 7 was objected to under 35 U.S.C. § 132(a). Applicants respectfully traverse this objection for at least the reasons set forth below.

The Examiner has repeatedly required the submission of a new drawing that illustrates every feature of the invention specified in the claims.<sup>1</sup> Applicants have made several good faith attempts to fulfill the requirement for a new drawing, but in each case the Examiner has objected to the drawing.<sup>2</sup> Indeed, after having asserted the requirement for a new drawing four times over the course of three years of prosecution, the Examiner finally admitted that he would not approve any drawing submitted by the applicants in response to the drawing requirement, stating, “any potential new figure added to the application that would adequately show the claimed subject matter would also likely raise potential new matter issues.”<sup>3</sup> Thus, the Examiner has imposed an obligation on the applicants that he has admitted it is not possible to satisfy.

The Examiner’s unreasonable position has the effect of foreclosing applicants’ good faith efforts to place the application in condition for allowance without consideration for the merits of the case. In this regard, it is notable that all of the claims pending in the application have been allowed.<sup>4</sup> Thus, it is clear that the drawing objection has no bearing on the patentability of the subject matter recited in the claims.

By the instant amendment, applicants have amended drawing FIG. 7 to show those features of the claimed subject matter which the Examiner has insisted be shown.<sup>5</sup> In particular, drawing FIG. 7 illustrates a first stationary screw line and a second stationary screw line that are separated from each other by a predetermined distance and are perpendicular to each other, as recited in independent claims 1 and 28. The first and second

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<sup>1</sup> Office action mailed November 2, 2005, paragraph no. 9, page 3; Office Action Made Final mailed October 30, 2006, paragraph no. 2, page 2; Office action mailed July 30, 2007, paragraph no. 8, page 4; Office Action Made Final mailed March 14, 2008, paragraph no. 5, page 3.

<sup>2</sup> Amendment filed March 2, 2006; Amendment filed April 30, 2007; Amendment filed October 30, 2007.

<sup>3</sup> Examiner Interview Summary, personal interview conducted on October 29, 2007.

<sup>4</sup> Office Action Made Final mailed March 14, 2008, “*Office Action Summary*” and paragraph no. 2, page 2.

<sup>5</sup> See, e.g., the Advisory Action mailed April 10, 2007, which states, “two distance adjusters . . . must be shown in a single drawing . . . none of the figures show two stationary screw lines separated [*sic*] from each other by a predetermined distance and perpendicular to each other.”

stationary screw lines are shown with respective rotary screws, features that are also recited in claims 1 and 28.

Applicants respectfully submit that drawing FIG. 7 is fully supported by the application as originally filed, and no new matter is added. All of the subject matter illustrated in drawing FIG. 7 is clearly described in the application as originally filed at, e.g., paragraph [0019], which states,

Preferably, the electrode unit includes a first electrode distance adjuster for adjusting a distance between the current supply electrodes including a first stationary screw line connected to the current supply electrodes, a first rotary screw joined to the first stationary screw line and rotating the first stationary screw line to move the current supply electrodes along the first stationary screw line, and a fixing stud for fixing each of the current supply electrodes to the first stationary screw line; and a second electrode distance adjuster for adjusting a distance between the measurement electrodes including the second electrode distance adjuster includes a second stationary screw line connected to the measurement electrodes, a second rotary screw joined to the second stationary screw line and rotating the second stationary screw line to move the measurement electrodes along the second stationary screw line, and a fixing stud for fixing each of the measurement electrodes to the second stationary screw line, wherein the first stationary screw line and the second stationary screw line are separated from each other by a predetermined distance and are perpendicular to each other.

*(Emphasis added).*

In view of the above, applicants respectfully request entry of drawing FIG. 7, and respectfully request that the drawing objection be favorably reconsidered and withdrawn.

D. Rejection under 35 U.S.C. § 112, First Paragraph

In the outstanding Office Action Made Final, claims 30 and 50 were rejected under 35 U.S.C. § 112, first paragraph (written description). By the instant amendment, claims 30 and 50 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Applicants reserve the right to pursue the subject matter of claims 30 and 50 in this or another application. In view of the cancellation of claims 30 and 50, applicants respectfully request that this rejection be favorably reconsidered and withdrawn.

E. Entry Requested

Applicants respectfully request entry of the instant amendment. The amendment to drawing FIG. 7 and the cancellation of claims 30 and 50 places the application in condition for allowance. Further, entry of the amendment does not require additional search. Therefore, entry of the amendment does not place an undue burden on the Examiner.

F. Conclusion

In view of the foregoing, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Respectfully submitted,

LEE & MORSE, P.C.

Date: June 13, 2008



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PETITION and  
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.